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SUMMARY RECORD OF THE 68th MEETING

Chairman: Mr. STEIN (Germany)
(Vice-Chairman)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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ORGANIZATION OF WORK

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 137: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/51/7/Add.5, A/51/7/Add.7, A/51/824; A/C.5/51/30 and Add.1, A/C.5/51/50)

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1. Mr. MENKVELD (Netherlands), speaking on behalf of the European Union and the associate countries of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia and, in addition, Norway, reiterated the European Union's concern at the late issuance of the reports of the Secretary-General containing the revised 1997 resource requirements of the Tribunals. The 1 November 1996 deadline fixed by the General Assembly for submission of the 1997 budgets had not been met because the reports of the Office of Internal Oversight Services had not been issued until 12 February and 20 March 1997, making it necessary to adopt an interim decision on the financial requirements for the first half of 1997. The introduction of the reports of the Secretary-General during the final week of the current resumed session did not facilitate the work of the Committee. It was also regrettable that the reports were not accompanied by performance reports, an issue which had been addressed by the European Union in its statement of 9 May 1996 on the 1996 budgets of the Tribunal. The information provided in the annexes of the most recent reports of the Secretary-General did not address the Advisory Committee's recommendation that the Secretary-General should prepare comprehensive performance reports for 1996 (A/51/7/Add.5, para. 15). He wondered why the Secretary-General had neither complied with the recommendation nor reported on its follow-up in the report on the financing of the Tribunal for the prosecution of violations in the former Yugoslavia.

2. The European Union welcomed the substantive information contained in the reports on the voluntary contributions received and their projected use. Those budgets, however, were not full-cost budgets, which should have been submitted, even if they contained estimates in certain places for the value of the services provided on a voluntary basis. The European Union also noted that the document submitted did not contain information on appropriations should the newly established posts be budgeted at full cost. As a result, the actual annual cost of the Tribunals when fully staffed had been underestimated. He also wished to stress the need for appropriate security and protection arrangements and sufficient funding for security personnel of the Tribunal.

3. The European Union welcomed the findings and recommendations contained in the report of the Office of Internal Oversight Services on the 1997 resource

requirements for the International Tribunal for the Former Yugoslavia (A/51/824), which would be a useful input in determining the Tribunal's future resource requirements. Although the Secretary-General stated that he concurred with the recommendations contained in the report, the Under-Secretary-General for Internal Oversight Services had made it clear that some of the Office's recommendations had not been specifically addressed in the report. It would therefore be important for the Secretary-General to indicate those recommendations on which he wished to have the General Assembly's views. That issue had also been highlighted in the report of the Advisory Committee. The Advisory Committee had also noted that some of its previous recommendations had been only partially addressed while others remained to be implemented, for example, the lack of proper performance reports. Those were issues that must be clarified by the Secretary-General.

4. The revised 1997 budget presented by the Secretary-General was lower than that originally submitted by the Tribunal, and lower than the levels considered justifiable by the Office of Internal Oversight Services. The European Union would have preferred, in the context of budgetary discipline and the efficient utilization of resources, not to have received proposals which relied on voluntary contributions in the form of cash and services, including gratis personnel, to fulfil the important tasks of the Tribunals, nor should the Advisory Committee have had such a limited time to review the budget proposals of the Secretary-General. In future, every effort should be made to ensure that deficiencies in the budgetary process did not delay the proper implementation of the work of the Tribunals.

5. The European Union agreed with the Advisory Committee that it was difficult to evaluate requests for resources for the Tribunal owing to the lack of justification and analysis, that requests for new posts and other resources should always be fully justified and explained and that the format of the report on the Tribunal must be even clearer and more transparent. The Union also took note of the Advisory Committee's view regarding the support cost charge practice, to which it had referred in its comments on the issue of gratis personnel. Any programme support cost charge should be properly justified and should apply only to those voluntary contributions, including gratis personnel, that were earmarked for supplementary activities. It had requested the Secretary-General to review the various aspects of the support charge practice and to report to the General Assembly on possible adjustments.

6. The European Union welcomed the inspection of the International Criminal Tribunal for Rwanda carried out by the Office of Internal Oversight Services, which had identified serious operational deficiencies in the management of the Tribunal. It had hoped that the report would address the 1997 resource requirements for the Rwanda Tribunal as well. It welcomed the establishment of a focal point for liaison between the Secretariat and the Tribunal in order to address such managerial problems as the inefficient functioning of the Registry; the administrative, leadership and operational problems in the Office of the Prosecutor in Kigali; and inadequate support from Headquarters. A sharing of experience between the two Tribunals, as recommended in the Office's report (A/51/824, para. 96), would also be extremely valuable. While acknowledging that the situation in Arusha and Kigali had been affected by short-term funding arrangements, the geographical separation of the Office of the Prosecutor from

the other organs of the Tribunal and the lack of adequate infrastructure in both places, the European Union believed that many of the problems could have been avoided had the Registry and the Office of the Prosecutor been properly staffed. It appreciated the remedial action which the Secretary-General had already taken in that regard.

7. It welcomed the intention of the Office of Internal Oversight Services to monitor progress in the operations of the Rwanda Tribunal in September 1997, particularly as the Tribunal was not yet functioning properly in the administrative and related areas. The situation required periodic follow-up inspections by the Office, and full and speedy disclosures of the findings and the measures taken by the Secretary-General and the Tribunal. The results of the September inspection should be available to the General Assembly when it considered the proposed programme budget for the biennium 1998-1999. With regard to the statement of the Secretary-General concerning the security situation in Kigali and escorts for investigation teams during field missions, the European Union had already stressed the need for appropriate protection for the personnel of the Tribunal and for the necessary resources to be made available to that end.

8. The European Union endorsed the Advisory Committee's recommendation on the need for a review of the conditions of service for staff (A/51/7/Add.8, para. 9). It would address the Advisory Committee's recommendations concerning revised resource requirements for 1997 for the Chambers, the Office of the Prosecutor and the Registry of both Tribunals in informal consultations.

9. Mr. MIHUT (Romania) expressed full support for the statement delivered by the representative of the Netherlands on behalf of the European Union.

AGENDA ITEM 120: HUMAN RESOURCES MANAGEMENT (continued) (A/C.5/51/CRP.7)

(a) IMPLEMENTATION OF THE SECRETARY-GENERAL'S STRATEGY FOR THE MANAGEMENT OF THE ORGANIZATION'S HUMAN RESOURCES AND OTHER HUMAN RESOURCES MANAGEMENT ISSUES (continued)

10. Mr. HALLIDAY (Assistant Secretary-General for Human Resources Management), introducing the conference room paper entitled "Status of the redeployed staff members" (A/C.5/51/CRP.7), said that the paper had been prepared following a request by the General Assembly in its resolution 51/226 of 3 April 1997 and was self-explanatory.

11. The CHAIRMAN said that if he heard no objection he would take it that the Committee wished to recommend to the General Assembly the adoption of the following draft decision:

"The General Assembly,

Takes note of the information provided in document A/C.5/51/CRP.7 on the status of the redeployed staff members."

12. It was so decided.

ORGANIZATION OF WORK

13. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), said that he had consulted his files in order to ascertain why the Advisory Committee had not taken up the report on the financing of the United Nations Operations in Mozambique (ONUMOZ) (A/51/807). Although it was dated 25 February, the report had been issued on 18 March 1997. From 18 to 27 March, however, the Advisory Committee had held 11 meetings, during which it had reviewed the reports of the Secretary-General on 15 peacekeeping missions and a report on the budget of the United Nations Centre for Human Settlements (Habitat) for the 1998-1999 biennium. Pressed for time, the Advisory Committee had given priority to reviewing the reports of those peacekeeping missions which required a decision by the Fifth Committee on appropriations.

14. When it convened on 6 May, the Advisory Committee had reviewed reports of the World Food Programme and had considered the question of the support account for peacekeeping operations, which had taken a considerable amount of time; the reports on the Tribunals for the Former Yugoslavia and Rwanda, which had also been a lengthy process; the question of gratis personnel, on which he had reported orally to the Committee; and the reports on the United Nations Preventive Deployment Force and the United Nations Mission in Bosnia and Herzegovina. It had also begun its discussion of the proposed programme budget for the 1998-1999 biennium. The Advisory Committee had thus decided to take up the report on ONUMOZ in the autumn during the fifty-second session of the General Assembly.

15. Mr. HOSANG (Director, Peacekeeping Financing Division), said that the current mandate of the United Nations Angola Verification Mission (UNAVEM) expired at the end of the month, at which time the Security Council was expected to take a decision concerning the Mission on the basis of the report of the Secretary-General. It was possible that a new mission would be established and it was anticipated that UNAVEM III would be liquidated to some extent. However, his Division would be unable to issue a financial report in respect of the missions in Angola until such decisions were taken. As a result, any requirements for operations in Angola as of 1 July would be financed by the normal means available to the Secretary-General for the funding of new missions or the discontinuation of existing missions.

16. The CHAIRMAN said that he would take it that the Committee wished to postpone consideration of agenda items 124 and 131 to the resumed session in September.

17. It was so decided.

18. Mr. MENKVELD (Netherlands) recalled that, when asked at the 60th meeting, to clarify some aspects of the implementation of the new procedures for determining reimbursement to Member States of contingent-owned equipment and of the transitional arrangement, the representative of the Secretary-General had stated that the issue of entitlement to inland transportation when using the old system could benefit from further clarification.

19. His delegation had proposed language for the draft resolution based on the following considerations: (i) inland transportation to the point of embarkation in the old methodology was not normally reimbursed; no budget documents or performance reports of individual peacekeeping operations therefore contained requests or justification for payment of inland transport costs under the old methodology; (ii) inland transportation to the point of embarkation under the old methodology had been reimbursed in exceptional cases, such as when the Organization asked a Member State to change the point of embarkation in order to achieve savings in the onward transportation costs; (iii) under the new methodology, the Organization provided reimbursement for the cost of inland transportation of contingent-owned equipment to the national port of embarkation; (iv) the transitional arrangements adopted in Assembly resolution 50/222 of 11 April 1996 implied that, for budgetary periods prior to 1 July 1996, a Member State could opt for either methodology but, if opting for the old methodology, could not at the same time claim reimbursement for inland transportation costs to the national port or ports of embarkation, except in the exceptional circumstances described above.

20. In the light of the objection of one delegation to the language of the proposal of the Netherlands and the unexpected request by the representative of the Secretary-General for clarification of the issue of entitlement to inland transportation when using the old methodology, the Committee's consideration of the issue would be facilitated by precise answers from the Secretariat to a number of questions. Could the Secretary-General: (i) Confirm that under the old methodology inland transportation costs to the point or points of embarkation were not normally reimbursed? (ii) Inform the Committee of the instances in which the Organization had provided such reimbursements under the old methodology and, in particular, the number of cases, the number of Member States involved, the total amounts involved, the special circumstances of those cases and an estimate of the overall savings achieved? (iii) Confirm that under the transitional arrangement when Member States opted for reimbursement under the old methodology for budgetary periods prior to 1 July 1996, claims for reimbursement of inland transportation to the point of embarkation would normally not be accepted by the Secretariat?

21. Mr. SIAL (Pakistan) agreed that it would, indeed, be useful for the Committee to be provided with written replies to those questions.

22. Ms. SHENWICK (United States of America) expressed her delegation's disappointment over the failure of the Advisory Committee on Administrative and Budgetary Questions to complete its report on the financing of the United Nations Operation in Mozambique (ONUMOZ), thereby preventing the Committee from taking action on the unencumbered balance for the Operation. That failure could not be justified by the Advisory Committee's workload and appeared to be an attempt at "agenda manipulation" on the part of the secretariat of the Advisory Committee, particularly since the corresponding report of the Secretary-General had been issued in a timely manner. While it valued the Advisory Committee's reports, her delegation would propose that all outstanding reports on peacekeeping operations should be taken up during consideration of that agenda item, even if the relevant report of the Advisory Committee was unavailable.

23. Mr. YUSSUF (United Republic of Tanzania) requested that the Committee schedule a formal meeting for the following day to permit his delegation to introduce, on behalf of the Group of 77 and China, a draft resolution on the subject of the United Nations Interim Force in Lebanon (UNIFIL).

24. Ms. SHENWICK (United States of America) said that informal consultations were still continuing on that subject and it might be useful for members to be updated by the coordinator on the status of those consultations.

25. Ms. EMERSON (Portugal) said that negotiations on the text of a draft resolution were still continuing. In the past, the practice had been that a delegation introduced its own text only if it could not agree with the Chairman's text. She was, however, unaware of the intentions of delegations in the current case.

26. The CHAIRMAN said that the submission of a draft text by a delegation did not preclude negotiations from continuing, particularly in view of the time constraints under which the Committee was operating.

27. Ms. SHENWICK (United States of America) urged delegations to refrain from wielding the threat of a vote, in which group loyalty would be a main factor, and to make every effort to achieve consensus. Even though the United States had the means to exert pressure, it always sought to reach decisions through negotiations and consensus.

28. Mr. SULAIMAN (Syrian Arab Republic) said that each Member State or group of States had the right to introduce draft resolutions whenever consensus could not be reached on a particular text. Calling for a vote when consensus could not be achieved was a normal practice and not a question of loyalty to a group or of pressure being exerted. His delegation therefore could not agree with the views just expressed by the representative of the United States and considered the reference to pressure to be inappropriate.

29. Mr. YUSSUF (United Republic of Tanzania) said that the Group of 77 and China had always negotiated in good faith. He had requested a formal meeting to introduce a draft text only because of the constraint of time and the request should certainly not be construed as a means of exerting pressure on other delegations, as the representative of the United States had implied.

30. The CHAIRMAN said that while the informal consultations would continue in the hope that consensus could be achieved, he could not deny the request of the representative of the United Republic of Tanzania. The Committee would therefore meet the following day.

The meeting rose at 11.20 a.m.